

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WSBA No. 32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
MARCELO ILLARMO (MABN 670079)
Special Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, California 94105
Telephone: (510) 970-4822
E-Mail: Marcelo.Illarmo@ssa.gov

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

| | | |
|--|---|--------------------------------------|
| BARCLAY GUNDERSON, |) | No. 2:22-cv-1365 DB |
| |) | |
| Plaintiff, |) | STIPULATION FOR VOLUNTARY |
| |) | REMAND PURSUANT TO SENTENCE |
| |) | FOUR OF 42 U.S.C. § 405(g) AND ORDER |
| v. |) | |
| KILOLO KIJAKAZI, |) | |
| Acting Commissioner of Social Security |) | |
| Defendant. |) | |

IT IS HEREBY STIPULATED, by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to a voluntary remand of this case pursuant to sentence four of 42 U.S.C. § 405(g). The purpose of the remand is to offer Plaintiff a new decision.

On remand, the Commissioner will offer Plaintiff the opportunity for a new hearing; develop the record as necessary; consider all pertinent issues *de novo*, including, but not limited to, reconsidering the medical opinions and prior administrative medical findings pursuant to 20 C.F.R. §§ 404.1520c, 416.920c; and issue a new decision. The parties further request that the

Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

Respectfully submitted,

Dated: December 8, 2022

/s/ Betty Herrera *
BETTY HERRERA
Attorney for Plaintiff
(* approved via email on 12/2/22)

Dated: December 8, 2022

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel, OPL Office 7
Social Security Administration

By: /s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to Remand"), and for cause shown, IT IS ORDERED that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation to Remand.

The Clerk of the Court shall enter a final judgment in favor of Plaintiff, and against Defendant, vacating and reversing the final decision of the Commissioner, and close this case.

DATED: December 14, 2022

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE